IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Arb. Case No.17 of 2006.

Date of Decision:25th August, 2006.

M/s Ranjeet Singh & Company. …. Petitioner

Versus

Himachal Prdesh State Electricity Board & another. Respondents

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The Hon'ble Mr. Justice V.K. Gupta, C.J.

Whether approved for reporting[1]?

For the Petitioner: Mr. Suneet Goel, Advocate.

For the respondent: Mr. Shrawan Dogra, Advocate.

V.K. Gupta, C.J. (Oral).

It is a very unfortunate case where despite the sole Arbitrator having first been appointed way back on 5th May, 2004 and thereafter the composition of the Arbitral Tribunal having undergone changes, the arbitration proceedings have not progressed a bit despite the lapse of more than two years since then. My attention has been drawn to Annexure P-21 which is a communication dated 12th May, 2006 from the latest appointee, Single Member Arbitral Tribunal, namely, Chief Engineer (SP), HP SEB, Kumar House, Shimla who fixed 2nd June, 2006 as the last date of the arbitration proceedings but apparently nothing happened on that date as well. No Arbitral Tribunal can be permitted to prolong, protract or delay the arbitration

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[1] Whether reporters of the Local Papers are allowed to see the Judgment?

proceedings because the mandate of the Arbitration and Conciliation Act, 1996 is that the arbitration proceedings must commence at the earliest and should be concluded within the shortest possible time. In the present case, apparently, the Arbitrators have done nothing to promote the aforesaid mandate of the 1996 Act.

This petition having come up for consideration today before me, the learned counsel for the parties agree that I should dispose it of as settled, based upon the agreed order as hereinbelow mentioned and issue binding directions upon the Arbitrator to proceed in the case with utmost expedition and to conclude the arbitration proceedings very very expeditiously by passing the arbitral award. The petition is disposed of and the following directions are issued:-

1. The arbitration proceedings presently being conducted by the Chief Engineer (SP), HP SEB, Kumar House, Shimla shall continue to be conducted by the person holding this appointment till the conclusion of the proceedings and till the passing of the arbitral award. The Arbitrator shall not be changed hereafter. If the person holding the aforesaid appointment is either

transferred to another post or even if he retires, he alone shall be the Arbitrator till the arbitral award is passed.

2. The next date of hearing is hereby fixed before the Arbitrator as 4th September, 2006 at 5.00 p.m. in his office-chamber. On that date, the Arbitrator shall draw up the schedule for the conduct of the arbitration proceedings with a view to ensuring that these are concluded in the year 2006 itself and the arbitral award is passed within this period, unless for compelling reasons either of the parties or any one of them, or of the Arbitrator himself (such reasons to be recorded in writing), it is not possible to complete the proceedings in this year in which event the Arbitrator shall ensure that the proceedings are in any case completed before 31st March, 2007.

The petition is disposed of. No order as to costs.

Dasti copy on usual terms.

25th August, 2006. (V.K. Gupta), C.J.
(tr)